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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,048	07/23/2003	Ben Saidi	020728	1441

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QUALCOMM, INC  
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EXAMINER

DAFTUAR, SAKET K

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,048	<b>Applicant(s)</b> SAIDI ET AL.	
	<b>Examiner</b> Saket K. Daftuar	<b>Art Unit</b> 2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is responsive to the amendment filed on February 27<sup>th</sup>, 2006. Claims 1-24 are presented for the further examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Yao et al. U.S. Patent Number 6,785,262 B1 (hereinafter Yao).

As per claim1, Yao discloses receiving a stream of media from a user (see column 3, lines 20-21, examiner considers receiving data at the receiver as a receiving a stream of media file from a user); and suppressing at least one silence frame from the received stream of media (see column 3, lines 53-58, examiner considers data frames are dropped at a second, higher rate if a processor determines that communication channel latency (inherits silence frame) has increased significantly as suppressing at least one silence frame from the received stream of media).

As per claim2, Yao discloses said suppressing includes suppressing an initial silence frame situated before a first media frame (see column 4, lines 8-40, examiner considers data frames are dropped in accordance with the rate at which data frame were encoded and a processor determines communication channel latency inherently discloses suppressing includes suppressing an initial silence frame situated before a first media frame).

As per claim3, Yao discloses said suppressing includes suppressing all initial silence frames situated before a first media frame (see column 4, lines 8-40, examiner considers data frames are dropped in accordance with the rate at which data frame were encoded and a processor determines communication channel latency inherently discloses suppressing includes suppressing all initial silence frames situated before a first media frame).

As per claim4, Yao discloses said suppressing includes suppressing a silence frame situated between two successive media frames (see column 4, lines 8-40, examiner considers data frames are dropped in accordance with the rate at which data frame were encoded and a processor determines communication channel latency inherently discloses suppressing includes suppressing a silence frame situated between two successive media frames).

As per claim5, Yao discloses said suppressing a silence frame includes suppressing the silence frame that is in excess of a predetermined number of silence frames situated between the two successive media frames (see column 4, lines 8-40, examiner considers data frames are dropped in accordance with

the rate at which data frame were encoded and a processor determines communication channel latency inherently discloses suppressing a silence frame includes suppressing the silence frame that is in access of a predetermined number of silence frames situated between the two successive media frames).

As per claim6, Yao discloses said suppressing the silence frame includes suppressing the silence frame that follows a first predetermined number of silence frame following a first media frame and precedes a second predetermined number of silence frame proceeding a media frame subsequent to the first media frame (see column 4, lines 15-25, examiner considers dropping packets based on first predetermined threshold and second predetermined threshold as suppressing the silence frame that follows a first predetermined number of silence frame following a first media frame and precedes a second predetermined number of silence frame proceeding a media frame subsequent to the first media frame ).

As per claim7, Yao discloses receiving a stream of media from a user (see column 3, lines 20-21, examiner considers receiving data at the receiver as a receiving a stream of media file from a user); and suppressing at least one silence frame from the received stream of media (see column 3, lines 53-58, examiner considers data frames are dropped at a second, higher rate if a processor determines that communication channel latency (inherits silence frame) has increased significantly as suppressing at least one silence frame from the received stream of media).

As per claims 8-12, claims 8-12 are computer readable medium of method claims 2-6, respectively. They do not teach or further define the limitations recited in claim 2-6, respectively. Therefore, claims 8-12 are rejected for the same reasons set forth in claim 2-6, supra.

As per claim 13, Yao discloses for receiving a stream of media from a user (see column 3, lines 20-21, examiner considers receiving data at the receiver as a receiving a stream of media file from a user); and for suppressing at least one silence frame from the received stream of media (see column 3, lines 53-58, examiner considers data frames are dropped at a second, higher rate if a processor determines that communication channel latency (inherits silence frame) has increased significantly as suppressing at least one silence frame from the received stream of media).

As per claims 14-18, claims 14-18 are an apparatus claim of method claims 2-6, respectively. They do not teach or further define the limitations recited in claim 2-6, respectively. Therefore, claims 14-18 are rejected for the same reasons set forth in claim 2-6, supra.

As per claim 19, Yao discloses a receiver capable of receiving information (see column 3, lines 20-21, examiner considers receiving data at the receiver as a receiver capable of receiving information); a transmitter capable of transmitting information (see column 3, lines 3-4, examiner considers dropping data frames at transmitter as a transmitter capable of transmitting information); and a processor (see column 3, lines 12-15, examiner considers a processor located within a

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transmitter as a processor capable of carrying out suppressing silence frames in a stream of media) capable of carrying out a method for suppressing silence frames in a stream of media, the method comprising: receiving a stream of media from a user (see column 3, lines 20-21); and suppressing at least one silence frame from the received stream of media (see column 3, lines 53-58, examiner considers data frames are dropped at a second, higher rate if a processor determines that communication channel latency(inherits silence frame) has increased significantly as suppressing at least one silence frame from the received stream of media).

As per claims 20-24, claims 20-24 are an apparatus claim of method claims 2-6, respectively. They do not teach or further define the limitations recited in claim 2-6, respectively. Therefore, claims 20-24 are rejected for the same reasons set forth in claim 2-6, supra

### ***Response to Arguments***

4. Applicant's arguments filed February 23<sup>rd</sup>, 2006 have been fully considered but they are not persuasive.

As per arguments filed February 23<sup>rd</sup>, 2006, the applicant's argue in substance that:

- a. Yao fails to teach or suggest the feature of suppressing at least one silence frame.

In response to applicant response a) examiner interprets suppressing as forcibly to put to an end or to keep from being transmitted [Suppress, Answers. Com,

Online Dictionary]. Yao does teach or suggest the feature of suppressing at least one silence frame by dropping data frames, forcibly, if a processor determines that communication channel latency has increased significantly and to stop that frames from being transmitted [see column 3, line 5 – column 4, line 35, column 10, line 55 – column 13, line 36 examiner considers when the receive buffer underflows, silence frames are provided to a voice decoder in order to minimize the disruption in voice quality to a user. If the receive buffer overflows, or becomes relatively large, latency is increased. Therefore it is desirable to drop frames when the communication channel quality becomes degraded].

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Saket K. Daftuar** whose telephone number is **571-272-8363**. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Zarni Maung** can be reached on **571-272-3939**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKD

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER